Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-37. Canceled.

38. (Currently amended) A method for selecting an OR or OL operator DNA sequences from a lambdoid phages wherein said sequences ~~have~~ has a different thermostability compared to a wild-type sequence with regard to binding a repressor, wherein said different thermostability results in repression of expression of a gene which is operatively linked to said OR or OL operator DNA sequence from a lambdoid phage until a temperature is reached that is 3 to 10° C higher than the temperature at which the wild type sequence is capable of repressing the expression of a gene operatively linked thereto, comprising

(a) preparing a DNA cassette which contains a selection gene under the operative control of an expression control sequence comprising at least one OR or OL operator DNA sequence from a lambdoid phage and a promoter,

(b) intentionally subjecting the operator DNA sequence to a mutagenesis, and

(c) analyzing the operator DNA sequences to determine whether said sequences have a different thermostability as compared to a wild-type sequence with regard to binding a repressor.

wherein a mutated operator sequence is selected that represses expression of the gene operatively linked thereto at a temperature that is 3 to 10° C higher than the temperature at which the wild type sequence is capable of repressing the expression of a gene operatively linked thereto.

39. (Previously presented) The method according to claim 38, wherein the lambdoid phages are selected from the group consisting of phage lambda, phage 21, phage 22, phage 82, phage 424, phage 434, phage D326, DLP12, phage gamma, phage HKO22, phage P4, phage Phi80, phage Phi81, and coliphage 186.

40. (Previously presented) The method according to claim 39, wherein said lambdoid phage is phage lambda.

41. (Previously presented) The method according to claim 40, wherein said operator DNA sequence is from the operator regions OR and/or OL of the phage lambda.

42. (Previously presented) The method according to claim 38, wherein said selection gene is an E-lysis gene from phage PhiX174.

43. (Previously presented) The method according to claim 38, wherein the operator DNA sequence is subjected to a site-specific mutagenesis by oligonucleotides or a selection is carried out in a mutator bacterial strain.

44. (Previously presented) The method according to claim 38, wherein the operator DNA sequences are analyzed by determining their ability to bind to a temperature-sensitive cl repressor.

45. (Previously presented) The method according to claim 44, wherein temperature-sensitive lambda cl repressor is cl857.

46-48. Canceled.

49. (Previously presented) An isolated lambda OR operator sequence comprising the sequence shown in SEQ ID NO: 2.

50. (Currently amended) A nucleic acid comprising a bacterial expression control sequence containing ~~a~~ an OR or OL operator sequence ~~according to clam 46~~ in operative linkage with a

protein-coding sequence, said operating sequence being an OR or OL operator DNA sequence from bacteriophage lambda which has a different thermostability compared to a corresponding wild-type sequence with regard to binding a repressor, wherein said different thermostability results in repression of expression of a gene which is operatively linked to said OR or OL operator DNA sequence from bacteriophage lambda until a temperature is reached that is 3 to 10° C higher than the temperature at which the wild type sequence is capable of repressing the expression of a gene operatively linked thereto, and wherein said operator sequence is obtained by a method comprising

(a) preparing a DNA cassette which contains a selection gene under the operative control of an expression control sequence comprising at least one OR or OL operator DNA sequence from a lambdoid phage and a promoter,

(b) intentionally subjecting the operator DNA sequence to a mutagenesis, and

(c) analyzing the operator DNA sequences to determine whether said sequences have a different thermostability as compared to a wild-type sequence with regard to binding a repressor

wherein a mutated operator sequence is selected that represses expression of the gene operatively linked thereto at a temperature that is 3 to 10° C higher than the temperature at which the wild type sequence is capable of repressing the expression of a gene operatively linked thereto.

51. (Previously presented) The nucleic acid according to claim 50, wherein the protein-coding sequence is a suicide gene.

52. (Previously presented) The nucleic acid according to claim 50, wherein the expression control sequence contains a lambda PL or PR promoter.

53. (Previously presented) A vector comprising at least one copy of a nucleic acid according to claim 50.

54. (Previously presented) The vector according to claim 53, wherein said vector is a bacterial chromosomal vector.

55. (Previously presented) The vector according to claim 53, wherein said vector is a bacterial extrachromosomal plasmid.

56. (Previously presented) A bacterial cell transformed with a nucleic acid according to claim 50.

57. (Previously presented) A bacterial cell transformed with a vector according to claim 53.

58. (Previously presented) A bacterial cell according to claim 56, wherein said nucleic acid is integrated into said cell's chromosome.

59. (Previously presented) A bacterial cell according to claim 57, wherein said vector is integrated into said cell's chromosome.

60. (Previously presented) A bacterial cell according to clam 56, further comprising a gene for a cl repressor from lambdoid phages.

61. (Previously presented) A bacterial cell according to claim 57, further comprising a gene for a cl repressor from lambdoid phages.

62. (Previously presented) A bacterial cell according to claim 60, wherein said gene is the lambda cl857 repressor.

63-68. Canceled.

69. (Currently amended) A bacterial cell comprising at least one copy of a nucleic acid, wherein said nucleic acid comprises (a) a first bacterial expression control sequence which contains an OR or OL operator DNA sequence from a ~~lambdoid phage~~ bacteriophage lambda and to which a first cl repressor from lambdoid phages can bind, in operative linkage with a sequence coding for a second repressor wherein the second repressor cannot bind to the first bacterial expression sequence and (b) a second bacterial expression control sequence to which the second repressor can bind in operative linkage with a suicide gene, wherein said first bacterial expression control sequence is an OR or OL operator DNA sequence from a ~~lambdoid phage~~ bacteriophage lambda wherein said sequence has a different thermostability compared to a corresponding wild-type sequence with regard to binding of a repressor wherein said different thermostability results in repression of expression of a gene which is operatively linked to said OR or OL DNA sequence from a bacteriophage lambda until a temperature is reached that is 3 to 10° C higher than the temperature at which the wild type sequence is capable of repressing the expression of a gene operatively linked thereto, and wherein said operator sequence is obtained by a method comprising

(a) preparing a DNA cassette which contains a selection gene under the operative control of an expression control sequence comprising at least one OR or OL operator DNA sequence from a lambdoid phage and a promoter,

(b) intentionally subjecting the operator DNA sequence to a mutagenesis, and

(c) analyzing the operator DNA sequences to determine whether said sequences have

a different thermostability as compared to a wild-type sequence with regard to binding a repressor,

wherein a mutated operator sequence is selected that represses expression of the gene operatively linked thereto at a temperature that is 3 to 10° C higher than the temperature at which the wild type sequence is capable of repressing the expression of a gene operatively linked thereto.

70. (Currently amended) A bacterial cell comprising at least one copy of a nucleic acid, wherein said nucleic acid comprises (a) a first bacterial expression control sequence which contains ~~an~~ a first OR or OL operator sequence from a ~~lambdoid phage~~ bacteriophage lambda and to which a first cl repressor from lambdoid phages can bind, in operative linkage with a sequence coding for a second repressor wherein the second repressor cannot bind to the first bacterial expression sequence and (b) a second bacterial expression control to which the second repressor can bind in operative linkage with a suicide gene, further comprising (c) a third bacterial expression control sequence which contains a second operator sequence in operative linkage with a suicide gene, wherein said second operator sequence is an OR or OL operator DNA sequence from a ~~lambdoid phage~~ bacteriophage lambda and wherein each of said first and second operator sequences has a different thermostability compared to a corresponding wild-type sequence with regard to binding of a repressor, wherein said different thermostability results in repression of expression of a gene which is operatively linked to said OR or OL operator DNA sequence until a temperature is

reached that is 3 to 10° C higher than the temperature at which the wild type sequence is capable of repressing the expression of a gene operatively linked thereto, and wherein each of said operator sequences is obtained by a method comprising

(a) preparing a DNA cassette which contains a selection gene under the operative control of an expression control sequence comprising at least one OR or OL operator DNA sequence from a lambdoid phage and a promoter,

(b) intentionally subjecting the operator DNA sequence to a mutagenesis, and

(c) analyzing the operator DNA sequences to determine whether said sequences have a different thermostability as compared to a wild-type sequence with regard to binding a repressor,

wherein a mutated operator sequence is selected that represses expression of the gene operatively linked thereto at a temperature that is 3 to 10° C higher than the temperature at which the wild type sequence is capable of repressing the expression of a gene operatively linked thereto.

71-76. Canceled.

77. (Currently amended) The bacterial cell of claim 69, wherein said bacterial cell further comprises a gene for ~~a~~ the first cI repressor.

78. (Currently amended) The bacterial cell of claim 70, wherein said bacterial cell further comprises a gene for ~~a~~ the first cI repressor.